

REMARKS

The Office Action mailed on September 24, 2003 has been carefully reviewed along with the references cited therein. In the subject Office Action, the Examiner rejected claims 1-5, 7 and 9 under §102(b) as being anticipated by Marcus (U.S. Patent No. 6,074,074). The Examiner also rejected claims 6 and 8 under §103(a) as being unpatentable over Marcus as applied to claim 1 and further in view of Brookman (U.S. Patent No. 5,337,225). The Examiner also rejected claim 10 under §103(a) as being unpatentable over Marcus as applied to claim 1 and in further view of Vadseth (U.S. Patent No. 5,815,068). The Examiner allowed claims 11-16 and 18-26. Applicant appreciates the indication of allowable subject matter; however, Applicant does not agree entirely with the Examiner's statement of reasons for allowance.

Comments on Statement of Reasons for Allowance

The Examiner stated, "[t]he primary reason for allowance of these claims is the inclusion of an extended cylindrical lens having a length substantially coextensive with a length of the hollow tube." Applicant takes issue with the Examiner's statement of reasons for allowance for at least the following reasons. First, a claim is to be interpreted as a whole. Therefore, it is the combination of the limitations recited in the allowed claim that is patentable and not simply one limitation found in a claim. Furthermore, independent claims 16 and 23 do not include the limitation listed as the primary reason for allowance. Therefore, as mentioned previously, it is the combination of the limitations recited in claims 16 and 23 that define over the prior art and not just the one limitation mentioned in the Examiner's statement of reasons for allowance.

Claims 1-10 Patentably Distinguish Over the Cited Prior Art

Claim 1 calls for, among other limitations, a sheath at least partially made from a light-transmissive material, the sheath having a hollow region adapted to receive the LEDs, and an integrally formed cylindrical lens arranged to optically cooperate with the LEDs.

In rejecting claim 1, the Examiner stated that Marcus teaches a sheath (7 in Fig. 2) at least partially made from a light transmissive material having a hollow region (8) adapted to receive LEDs and an integrally formed cylindrical lens. Besides summarily indicating that Marcus discloses an integrally formed cylindrical lens, when rejecting claim 1 the Examiner never indicated where Marcus discloses the integrally formed lens. In the previous Amendment A, Applicant requested that the Examiner identify where

Marcus discloses the cylindrical lens integrally formed with a sheath. However, the Examiner failed to elaborate on the matter in the subject Office Action. Therefore, Applicant respectfully submits that the Examiner has failed to establish the anticipation of claims 1-5, 7 and 9 in view of Marcus.

More particularly, Claim 1 recites a sheath having “an integrally formed cylindrical lens arranged to optically cooperate with the LEDs.” When describing FIG. 2, the figure upon which the Examiner bases the rejection, Marcus indicates that reference number 7 refers to a sealing profiled strip, which is provided with openings 8 for the light to emerge from. Nowhere does Marcus indicate that the sealing profiled strip includes an integrally formed cylindrical lens as recited in Applicant’s claim 1. Marcus only teaches a sheath being a flat rectangular strip. Assuming that, the Examiner contends that reference numeral 7 is the same as Applicant’s sheath.

From the rejection of claim 5, it appears that the Examiner may have found the openings 8 on the sealing profiled strip 7 in Marcus to be a cylindrical lens; however, if this is the case, the Examiner found the openings 8 to be both the hollow region of the sheath and the cylindrical lens. (See rejection of claim 1 where the Examiner indicates a hollow region (8) and rejection of claims 5 and 7 where Examiner indicates that Marcus teaches that the cylindrical lens is arranged parallel to the cable such that the plurality of LEDs and sockets face the cylindrical lens (4 and 8 in Fig. 2)). This cannot be the case, and Applicant respectfully directs the Examiner’s attention to the Marcus specification.

Marcus states in column 5, lines 16 and 17 that the sealing profiled strip 7 includes openings 8 for light to emerge from. The openings 8 are depicted as circular in FIG. 2. The openings may be circular, but they are not an integrally formed cylindrical lens. From what can be drawn from FIG. 2, it appears that a plastic housing (which is depicted as 26 in FIG. 1) is exposed by the opening 8 in the sealing profiled strip 7. Therefore, the plastic housing is the only lens provided if any, and this lens is not integral with the sealing profiled strip 7, which the Examiner contends is equivalent to Applicant’s sheath. Accordingly, Applicant respectfully submits that Marcus neither teaches nor fairly suggests a border lighting strip including a sheath having “an integrally formed cylindrical lens arranged to optically cooperate with the LEDs” in combination with the remainder of the limitations recited in claim 1. Furthermore, Marcus provides no motivation to modify so that Applicant’s claim 1 would read upon it. Finally, Applicant notes that neither Brookeman nor Vadseth add to the Marcus reference with respect to the limitation “an internally formed cylindrical lens arranged to optically cooperate with the LED’s”.

In view of the above, it is submitted that claims 1-16 and 18-26 patentably distinguish over the prior art. All formal and informal matters having been considered, Applicant respectfully requests an early indication of allowance of the application.

Respectfully submitted,

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